

DEFENSE OPENS

In the Trial of Wiley Bowers for the Murder of Kiel.

THE STATE'S CASE COMPLETED

Early in the Afternoon with Evidence Corroborating

GEORGE BOWERS' FIRST STORY

To the Jury—Mrs. Clatterback and Mrs. Johnson saw a Young Man and a Boy Coming from the Vicinity of the Scene of the Murder—The Defense Introduces Testimony Tending to Set Up an Alibi in Favor of Wiley Bowers—Fulton People Say He was There at the Time the Murder is Alleged to Have Been Committed—The Testimony May be Completed To-day.

The Wiley Bowers murder trial continued yesterday in the criminal court and again the attendance of spectators was so large that the court room could not hold all.

The developments of the day were exceedingly interesting. The state closed its case in the afternoon and Mr. Dryden's several motions to end the trial then and there on account of alleged insufficiency of the evidence, were overruled. The state introduced two witnesses, Mrs. Clatterback and Mrs. Johnson, who had seen a young man and a boy at different points along the route young George Bowers had said they passed over after the murder.

The defense introduced testimony in support of its claims of an alibi. One of the witnesses, Miss Stein, alleged that Bowers was at her home in Fulton and took dinner on the day of the murder. Other witnesses told practically the same story and the state had not succeeded in establishing their stories at yesterday's session of court. Miss Yocke, a clerk at Stone & Thomas, testified that Bowers was there about 9 a. m. on the day of the murder and bought goods to be made up into dresses for the "Mother Hubbard" parade that night, in which he is said to have participated.

It is expected that the testimony will be completed at to-day's session and the arguments will probably be made to-morrow, though the testimony may not be finished as soon as expected.

MORNING SESSION.

State Introduces Evidence that Corroborated George Bowers' Testimony.

Court convened at 9 o'clock. The first witness was Jacob Heyman, who testified to seeing Kiel a cow on the day he was murdered. Michael Friedman, of Fulton testified that Wiley and George Bowers passed his place between 7 and 8 a. m. on the day of the murder. The prisoner, he believed, had a gun under his arm.

Ex-Sheriff Albert Franzheim was the next witness for the state. He was sheriff at the time of the murder and made an investigation. He saw indications of tracks in the road. Nothing of moment was developed in the cross-examination by Mr. Schuck.

Elsie Steele was placed on the stand, and testified to tracks in the field near the scene of the murder.

The witness also noticed other tracks in the vicinity; they were up above. These tracks led to a more suitable place to get over the "worm" fence. He followed the tracks through the field from the fence for some distance, past Clatterback's house on the upper side to Woods run. He noted more than one track; there were two and they came together a rod from the fence. He could not say how many tracks came down the bank to the place where the body lay. One pair of tracks went up the bank from the body. One track was measured; it was ten inches long; the other was ten inches long. One was a plain track, the other was indistinct at the toe.

"Was one track of a grown person, and the other of a younger person?" said Mr. Meyer.

This question was objected to by Mr. Dryden.

"Were the tracks of the same size?" "I could not say," said the witness.

Witness said he did not follow the tracks to the Clatterback place because the ground didn't allow it.

To Mr. Dryden, the witness said he heard of the murder about 1:15 p. m. He first went to the Kiel house, where he saw Mr. Tubanah. The body was on the side, half way between the spot of the murder and the house. He could not say who had visited the place of the murder before he was there. He saw Dr. Campbell there, but did not leave the house until after the murder. He went down and looked at the tracks after the inquest.

The witness nodded his head in answer to questions.

"Speak out, 'Mr. Kiel,'" said Mr. Dryden. This aroused a laugh at the expense of the lawyer.

Witness went to the scene of the murder between 4 and 5 o'clock. While he was there, Conrad Schultz came up and told him where the body had been found. No others were present then. Later the driver with the coroner and Mr. Bayless came up. He was led to investigate the tracks on the hillside, but could not say anybody else had been up there to investigate. He did not know whose tracks these were; he did not know but that the footprints were made by persons investigating like himself. These tracks were a rod above the place of the murder. On the hillside they were too indistinct, but he followed them up and measured them. They were ten inches long; did not know the width. These tracks were followed towards Woods. The smaller track was indistinct and no measurement could be taken. Witness could not say these tracks were those of persons, curious like himself. Jailer, McCormick had talked with the witness; he did not know what he had said. McCormick had not asked him if the Bowers boys were out in the field that day. He had not made a counter statement to this to the mayor of Fulton.

To Mr. Meyer, the witness said the tracks were fresh ones.

Mr. Dryden's motion to exclude the

testimony, because of irrelevancy, was overruled.

Mrs. William Clatterback.

Mrs. William Clatterback was the next witness. She lived at Woodside. Her house is down the hollow from Kiel's place. She supposed the hollow was Kiel's place. She remembered when Kiel died. She was at her home in the morning. Her son, husband, hired girl and school children were with her. Between 12 and 1 o'clock she saw two men, a big one and a little one. She saw them when she was outside. They were coming from the left of Mr. Kiel's house in the back yard at the time, and facing the hill. The bigger one of the two had a gun. She just cleaned her jacket and then went in. She made the remark she thought they were hunters for her chickens, and went inside.

To Mr. Schuck, the witness said she did not know whence the men came. It was nearer 1 o'clock than 12. They were coming slowly. Her eyesight was defective, but she believed one of the two had a gun. Hunters are often seen in her neighborhood.

To Mr. Meyer, witness said the boys were on the Woods farm. They were coming down the hill. Going back over their tracks they would strike the Woods and Hess or Kiel farms.

Mr. Dryden moved to exclude the testimony on the ground of irrelevancy, and that the corpus delicti has not been proved. The motion was overruled.

Mrs. John Johnson.

Mrs. John Johnson was next examined. She lives near Thompson's residence, just to the left above the motor track. She can't see the bridge from her house. She remembered the day Kiel was killed. That day early in the afternoon she saw two persons, one a young man and other a boy. They were looking toward the hill beyond the motor bridge. It was in the afternoon; she had had dinner and was at her table work. She was on the porch. After crossing the motor track bridge they ran across the road to the Steenrod bridge. The large fellow carried a gun in his right hand. When she saw them last they were going toward the Steenrod bridge. Then she went in the house and closed the door. She did not know either George or Wiley Bowers.

To Mr. Dryden, she said her house was opposite the Thompson home. The Thompson house cuts off the view of the bridge. She fixed the day by the election next day. She heard of the murder from her children, who had been at school. They were crossing the motor track when she first saw them. They seemed to have come off the hill and were looking toward the creek. She did not see them come off the hill. She was sure one of the two had a gun. The porch of her house is next to the pike, and she could see the road from it. She ate dinner a little after twelve. The fellows passed the house not long after 1 o'clock. She did not know what kind of a gun it was; it was the shape of a gun. It was usual for hunters to go out in that district, but it was not usual for hunters to be there running.

"They might have been running for game," suggested Mr. Dryden.

"There wasn't any game in the pike," responded the witness.

She had talked about this case to several; she talked a short time to Jailer McCormick, when he handed her summons to her. She never talked to McCormick about this case before; they were neighbors.

"Let your friend, ain't he?"

"No, sir; I consider nobody's my friend."

She had told Mr. McCormick she never attended a trial before. McCormick had not asked her if she knew Bowers.

Mr. Dryden moved to exclude; motion overruled. Court then adjourned until 2 p. m.

THE STATE CLOSES.

Early in the Afternoon the State Submitted Its Case.

When court convened at 2 p. m. the court room was again packed with spectators and many were turned away. There was a large attendance of women.

Miss Lorna Vincent was called by the state. She is a young woman of fine appearance, a resident of Stackyard Hollow, about a mile beyond Charles Hess' place. Going out she passes Tallman's house and the Kiel and Tallman farms. Her home is one-half mile from Elsie Steele's home. She heard of Kiel's murder after 12 o'clock the same day; she was at home at the time. She saw a man pass her house, a stranger; about 1 o'clock a. m.; it was nearer 11 o'clock than 12:30 a. m. He was rather low, heavily built, dark mustache, dark beard, dressed in dark clothes. She never saw the man before or since; he had no gun.

To Mr. Schuck, witness said it would take twenty minutes to walk from the intersection of the hollow road and the branch road leading to Kiel's place, to her home. This was going up the road. At the time she was working in the house, near the road. After doing other work she took dinner. She looked out twice and saw the man go over the hill up the hollow road. She did not see him again. She did not remember seeing anybody passing down the road; "the boys" might have passed on their way for "grains." She could not say this man was back over the road; did not believe he did. She had not talked with anybody about this case, except to tell her father of the stranger. Mr. McCormick had asked her if she had seen a man pass. This occurred when the summons was served on her. She spoke of the case Saturday at her home. She spoke to her father of the stranger having passed, the same day.

Prosecuting Attorney Meyer remarked that the defense seemed to think it was reprehensible for any officer of this court to make an investigation into criminal matters.

Mr. Schuck—That's not our purpose at all.

Mr. Meyer—It is apparent that is your purpose.

She didn't hear of this strange man from anybody until the Saturday before she was summoned.

A. A. Franzheim.

Ex-Sheriff Franzheim was recalled. The autopsy was held at Kiel's house. The inquest was held at Squire Schultze's office.

W. C. Meyer.

Prosecuting Attorney Meyer was placed on the stand. The approximate stations on the map exhibited were pointed out by George Bowers. Going to the map the witness showed the points that had been fixed by George. When he first went out, he sent for Elsie Steele. He pointed out the spots shown on the map. He found a stake driven in the road.

To Mr. Dryden, Mr. Meyer said he first interviewed George Bowers just before the preliminary examination. He did not know McCormick or McCormick had taken George there. He had heard George Bowers was taken out later by these two. He was not present. He did not know they had pointed out certain spots to George. Later he went out there with George, who pointed out where Kiel had been killed. The stake had been found approximately at the place indicated by George. There was a foot's difference between the spot as indicated by George Bowers and Steele. George had told him his brother was kneeling when he fired the shot. The witness was asked about what Bowers had testified the day before; state objected; objection sustained.

Mr. Dryden asked if all the information the state had had not come from George Bowers. This was admitted.

"Do you believe it is worthy of belief?"

"I refuse to answer," said Mr. Meyer. "I insist," said Mr. Dryden.

"I object," said Mr. McCormick. "Objection sustained," said Mr. Dryden.

"The state rests," said Mr. McCormick.

A minute later Mr. McCormick said he desired to recall his recollection of the

state's case. He said Deputy Kindelberger would soon arrive with another witness. The witness was Philip Campbell.

The defense objected, but the objection was overruled.

In a few minutes Mr. McCormick said the witness was said to be sick, so the state would now close.

The defense, by Mr. Dryden, moved to exclude testimony for state on ground it is irrelevant.

The motion was overruled.

Exception was taken.

The same motion was renewed on the ground it does not connect Bowers with the crime.

The motion was overruled.

Exception was taken.

The defense moved to exclude on ground testimony has entirely failed to show death of Henry Kiel did not result from accidental causes.

Motion was overruled.

Exception was taken.

The defense moved to exclude testimony on ground that it fails to prove the corpus delicti within established rules.

Motion overruled.

Exception taken.

The motion was renewed on the ground that there is no incriminating circumstance connecting Wiley Bowers with the defense.

Judge Hughes overruled.

Exception by Mr. Dryden.

Again the motion was renewed to direct the jury to render a verdict of not guilty because no testimony had been offered connecting defendant with the defense.

The motion was overruled.

Exception taken by Mr. Dryden.

THE DEFENSE OPENS.

Testimony to Prove an Alibi for Bowers was Introduced.

It was shortly after 3 o'clock when the state closed. A few minutes later the defense opened. Emma Yocke was the first witness called. She is employed at Stone & Thomas. She remembered the 24 day of November, 1896. Wiley Bowers came to the store that day between 9 and 11 o'clock for the purpose of getting goods for dresses for the parade that night. He was standing in the aisle on the left side of the store when the floor walker called to witness to come and wait on him. He spoke about some goods Mrs. Miller had spoken of in the morning. He got about forty yards of goods. Witness said then. He was in the store just about long enough to have the goods measured and wrapped up. It was before 11 o'clock, before witness got dinner at that hour. It was likely early in the morning, of the day of the Mother Hubbard parade.

The cross examination was by Mr. Meyer. Witness fixed the time of the visit again as between 9 and 11 a. m., on the day of the Mother Hubbard parade—the night before the election, last year, '96.

"Are you positive it was on the 24 day of November that Wiley came to your store?"

"I must have been that day, because he was to turn out in that parade."

"By what do you fix that date?"

"That morning I left for the store, and on the way I was stopped by Mrs. Miller, who asked me about colored screens. I am often stopped, and I told her I would bring some samples, and she said that would be too late, as the boys wanted to turn out right away in the parade, and she would send over and get the goods."

"Did she say who she would send?"

"No."

"What time did you get to the store?"

"I think about ten minutes after 8, but when I am stopped on the street by customers I am late."

"Witness fixed the day as Monday, because she had looked over the papers and ascertained the day of the parade. She knew it was not the Saturday before because she was very busy on Saturdays, and would have sent the samples to Mrs. Miller. Witness related a long conversation with Mrs. Miller about the transaction for goods. Witness had not thought of Wiley Bowers having been in the store, until Mrs. Miller had asked for a bill for the goods. In fact witness had congratulated herself that she knew nothing about the case, and did not want to know anything of it. Witness never saw Wiley Bowers in the store before. Witness first thought that Wiley Bowers was in the store on November 24 when Mrs. Miller called for a bill and receipt for the goods Wiley Bowers had purchased. She told Mrs. Miller she did not remember the date, but that it was the day of the Mother Hubbard parade. Witness had always told her friends the same tale she was telling on the stand.

"Isn't it only recently that you have been telling Wiley Bowers' friends that you did not know the date he was in the store?" (Objection; wrangle.)

"Did you tell anybody that you did not know the date when Wiley Bowers was in the store?"

"I told several parties that I did not know the date, except that it was the day of the parade."

Here the audience made a great deal of confusion, and the room was cleared of all parties standing in the aisles.

The question was again put, and the witness made the same answer, although warned by the court that the answer was not responsive. Witness protested she could make no other answer. Mr. McCormick said he supposed the question would have to go unanswered. The defense objected, and there was a general discussion between counsel to little purpose. Then the question as to whether or not she had told anybody she was not

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MRS. CURTIS, NEW YORK,

Tells Her Experience With Ovaritis.

A dull, throbbing pain, accompanied by a sense of tenderness and heat low down in the side, with an occasional shooting pain, indicates inflammation. On examination it will be found that the region of pain shows some swelling. This is the first stage of ovaritis, inflammation of the ovary. If the roof of your house leaks, my sister, you have it fixed at once; why not pay the same respect to your own body?

Do you live miles away from a doctor? Then that is all the more reason why you should attend to yourself at once, or you will soon be on the flat of your back.

You need not, you ought not to let yourself go, when one of your own sex holds out the helping hand to you, and will advise you without money and without price. Write to Mrs. Pinkham, Lynn, Mass., and tell her all your symptoms. Her experience in treating female ills is greater than any other living person. Following is proof of what we say:

"For nine years I suffered with female weakness in its worst form. I was in bed nearly a year with congestion of the ovaries. I also suffered with falling of the womb, was very weak, tired all the time, had such headaches as to make me almost wild. Was also troubled with leucorrhoea, and was bloated so badly that some thought I had dropsy. I have taken several bottles of Lydia E. Pinkham's Vegetable Compound, and several of her Blood Purifier, and am completely cured. It is a wonder to all that I got well. I shall always owe Mrs. Pinkham a debt of gratitude for her kindness. I would advise all who suffer to take her medicine."—Mrs. ANNIE CURTIS, Ticopderoga, N. Y.

positive on the date Wiley Bowers was in the store, and witness finally said she had told several parties. In reply to a question as to what was the date of the election, witness said:

"I think it was the 3d—or 2d, wasn't it?"

Mr. Meyer—"Oh, I am asking you."

In reply to other questions, witness said it must have been "shutly before the parade," because he had so short a time to get ready in. She was sure it was not on Saturday.

Here the jury was given a recess.

Mrs. Mary Miller.

Mrs. Mary Miller was next called. The examination was by Mr. Dryden. Witness had lived in Fulton all her life. She knew Miss Yocke, who lived out the road a little farther. She passed witness' house going to and from the store. Witness knew Wiley Bowers, ever since he was a little boy. She knew Henry Kiel, remembered the day he was killed, and fixed the day by the fact he had made some dresses that day for the boys for the Mother Hubbard parade. It was the day before the election. The election was on Tuesday, and the dresses on Monday, and she made the dresses Monday. She saw Miss Yocke that morning, in Fulton, and also Bowers about a quarter before 8 that morning. He was standing on the street while she was speaking to Miss Yocke. He was standing in front of Mr. Stein's father of witness. About a quarter after 8 witness sent Wiley Bowers to Stone & Thomas for cheese cloth for the parade dresses. Witness did not see him except just when he started, but she thought he went over the hill. She next saw him at Stein's, about 10 o'clock, with the package of goods. It was wrapped in the ordinary manner. The goods were left at Stein's, where witness was—she always worked at her father's on Mondays. She went home about an hour after Bowers brought the package, to make up the goods, and she thought Wiley Bowers was still at Stein's. She again saw Bowers on the porch about half past 11, on Stein's porch. He was mending a drum head. She thought Charlie Stein was with Bowers. Witness again saw Bowers about 4 p. m. after dinner at her father's. She did not take time to get dinner at her father's, that day, for she was busy sewing. She fixed the time by the blowing of Schenck's whistle, which blows at a quarter of 1. Witness again saw defendant, about 2 o'clock or later, on the street, coming out of Bowers' saloon, with some money in his hand. He was going toward Stein's wagon shop. She again saw Bowers about 3 o'clock, when he came back down the street from the shop, and witness' sister called to him and asked if he had returned the money.

The cross-examination was by Mr. McCormick. Witness made three dresses on the day in question, and helped to make a fourth. She had forty yards of goods. She knew she made the dresses on the day of the parade, because "I generally remember what I do." She related on the dresses a quarter to 12 o'clock and finished almost 5. She also cut out two dresses in addition to the four previously mentioned. There were six dresses in all. Witness did the work at her own home, but was over at her father's several times during the afternoon, once for dinner. She cut out two dresses and partly made one, before she went to dinner, about 1 o'clock. She ate her dinner in about five minutes, for she was in a hurry.

Witness was asked many searching questions as to the details of her work that day, her visits to her father's work, why she went, how long she remained, etc. She